

REMARKS

Applicants and their undersigned attorney wish to thank the Examiner for granting a telephonic interview on February 26, 2008. In the interview, the Examiner indicated that she believed that U.S. Patent No. 5,533,557 to Jedlicka discloses a drive mechanism as claimed in claim 8. The Examiner also indicated that she would consider amendments to the claims to further distinguish the claimed invention from Jedlicka.

Claims 1-28 are pending in the instant application. Claims 1, 8, 21 and 25 are independent claims.

Claim 8-11 and 13-27 stand rejected. Claims 12 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form. Claims 1-7 have been allowed.

Initially, applicants note with appreciation the Examiner's indication of allowable subject matter.

Claims 8-11 and 13-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,533,557 to Jedlicka et al. Claims 26 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over Jedlicka et al. in view of DE3841489 to Westermann et al. Although Applicants believe that the cited art does not disclose or suggest at least a drive mechanism as claimed in independent claims 8, 21 and 25, Applicants have amended independent claims 8, 21, and 25 to further distinguish the invention from the cited art. In addition, claims 23 and 24 have been cancelled.

Accordingly, claim 8 has been amended to specify that the actuator is operably connected to the drive mechanism for operation thereof to adjust the angle of the stop plank such that rotational displacement of the actuator in a first direction causes angular displacement of the stop plank in a first corresponding direction and rotational displacement of the actuator in a second direction causes angular displacement of the stop plank in a second corresponding direction different from the first corresponding direction.

Applicants respectfully traverse the rejection of claim 8 because Jedlicka does not disclose or suggest at least the above-mentioned limitation. Instead, Jedlicka simply

discloses a plurality of fasteners operable to lock one or more brackets in one of a plurality of positions relative to each other. Rotational displacement of the knobs (55, 93, 137), which the Examiner has identified as “actuators,” in a first direction does not cause angular displacement of the stop plank in a first corresponding direction, nor does rotational displacement of the knobs in a second direction cause angular displacement of the stop plank in a second corresponding direction different from the first corresponding direction. Rather, once the knobs of the fasteners are manually loosened by an operator, the operator must then apply a substantially uni-directional external force either directly to one of the brackets or one of the knobs to adjust the relative position of the brackets and ultimately the fence. Rotation of the knobs in an opposite direction simply tighten the knobs and lock the brackets in place, without causing any movement of the fence at all. Therefore, Applicants respectfully submit that Jedlicka fails to teach or suggest each and every element of amended claim 8, and therefore claim 8 should be in condition for allowance. Furthermore, Applicants submit that claims 9-20 and 28 should be in condition for allowance as being dependent upon an allowable base claim.

Similarly, claim 21 has been amended to incorporate the limitation that an actuator is operably connected to the drive mechanism for operation thereof to adjust the angle of the stop plank such that rotational displacement of the actuator in a first direction causes angular displacement of the stop plank in a first corresponding direction and rotational displacement of the actuator in a second direction causes angular displacement of the stop plank in a second corresponding direction different from the first corresponding direction. Accordingly, Jedlicka does not disclose or suggest each and every limitation of amended claim 21 for at least the reasons mentioned above. Therefore, claim 21 should be in condition for allowance. Furthermore, Applicants submit that claim 22 should be in condition for allowance as being dependent upon an allowable base claim.

In addition, claim 25 has been amended in a similar manner to specify that the actuator is operably connected to the drive mechanism and rotational displacement of the actuator in a first direction causes angular displacement of the stop plank in a first

corresponding direction and rotational displacement of the actuator and the second direction causes angular displacement of the stop plank in a second corresponding direction different from the first corresponding direction. Accordingly, Applicants submit that Jedlicka fails to teach each and every limitation of amended claim 25 for at least the reasons described above. Therefore, claim 25 should be in condition for allowance.

Furthermore, Applicants submit that claims 26 and 27 which depend from claim 25, should also be in condition for allowance as being dependent upon an allowable base claim. Moreover, the combination of Jedlicka and Westermann do not disclose or suggest at least an actuator that is operably connected to the drive mechanism for operation thereof to adjust the angle of the stop plank such that rotational displacement of the actuator in a first direction causes angular displacement of the stop plank in a first corresponding direction and rotational displacement of the actuator in a second direction causes angular displacement of the stop plank in a second corresponding direction different from the first corresponding direction. Instead, Westermann discloses a rack and pinion mechanism for lateral adjustment of the fence. However, Westermann does not teach adjustment of the angle of a stop plank relative to a work surface, nor does it teach or suggest an actuator for operating the drive mechanism to adjust the angle of the fence. Therefore, the combination of Jedlicka and Westermann do not teach or suggest each and every limitation of claims 26 and 27. Thus, for at least the reasons described above, claims 26 and 27 should be in condition for allowance.

Applicants submit that the above amendments to the claims do not add new matter and are merely being made for the respective reasons listed above. Support for these amendments may be found throughout the application and, in particular, in FIGS. 2, 6 and 7 and on pages 4 and 6-7.

In conclusion, as claims 1-22 and 25-28 are now believed to be in condition for allowance, Applicants respectfully request reconsideration and withdrawal of the rejection and allowance of all of the pending claims.

Application No. 10/656,324
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Response to Office Action dated January 23, 2008

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
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